

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA,**

§

v.

§

**1:25-MJ-583**

**JAMES WESLEY BURGER,  
Defendant.**

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§

**ORDER OF DETENTION**

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on May 27, 2025. I conclude that the following facts require the detention of the defendant pending trial in this case.

After a review of the charging instrument(s), the Government's Motion to Detain, the pretrial services report, the evidence presented and the arguments of counsel, I find:

- a) by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the defendant's appearance because there is a serious risk that the defendant will flee and,
- b) by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

My decision is based upon the following factors: the nature of the charges described in the Complaint, namely Threats Communicated in Interstate Commerce in violation of Title 18, United States Code § 875(c); the significant statutory and guideline penalties associated with any potential future conviction on these charges and the weight of the evidence against the defendant. The following issues also contribute to the need for continued detention in this case: the Defendant's affinity for firearms and violence, his continued drug use, and the lack of any residence to which

he could be released. Lastly, detention of the defendant is also warranted for the reasons set forth in the pretrial services report (page 4) as factors related to the defendant's risk of nonappearance and danger.

My decision is based upon the following factors: the nature and circumstances of the offense charged; the weight of the evidence against the defendant; and the history and characteristics of the defendant, including his lengthy criminal history. In addition, detention of the defendant is also warranted for the reasons set forth in the pretrial services report (page 13) as factors related to the defendant's risk of nonappearance and danger.

### **Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED May 27, 2025.

MARK LANE  
UNITED STATES MAGISTRATE JUDGE

